

In re: Hargett, Jr. et al.  
Serial No. 10/064,718  
Filed: August 9, 2002  
Page 5

### REMARKS

Applicants note with appreciation the courtesy and professionalism of both of the Examiners present during the recent Office interview. As set forth in the Interview Summary (Paper No. 4), Applicants pointed out that the proposed amendment overcomes the § 102 rejection under Giraud (U.S. Patent No. 5,556,673). Furthermore, Applicants respectfully submit that the Giraud patent, once disqualified under § 102, can no longer be brought to bear for any purpose because of its status as non-analogous art. In particular, Claim 1, as currently amended and pending, recites that the sleeve is cylindrical, that it has a first polymer layer on one surface of the round layer, and a chemically inert polymeric inner liner on the opposite surface of the round layer from the first structural polymer. Because all of the examples in Giraud, and indeed the purpose of his teaching, is to provide or include glass as a specific light transmitting material, Giraud can no longer be applied as a § 102 reference. Indeed, Giraud requires glass and specifically disqualifies plastic; e.g. column 1, lines 64-66. Furthermore, Giraud requires transparency to the visible frequencies within the electromagnetic spectrum (and has no need to consider the non-visible microwave frequencies), whereas no such requirement is made in the claimed invention. Instead, the claimed invention requires that the vessel and sleeve be transparent to microwave radiation, and the issue of opacity or transparency to visible light has no bearing.

In evaluating the status of art as nonanalogous, the Office should apply a two part inquiry: first, whether the reference is within the field of the inventor's endeavor; and second, whether the reference is reasonably pertinent to the particular problem with which the inventor was involved. The Giraud patent fails the first prong of the test because it fails to deal in any manner with pressure containment in chemical reactions. The Giraud patent fails the second prong because it relates entirely to structural features for buildings that transmit visible light for aesthetic purposes. Thus it has no bearing on pressure-containment in

In re: Hargett, Jr. et al.  
Serial No. 10/064,718  
Filed: August 9, 2002  
Page 6

microwave-assisted chemistry. Accordingly, Applicants submit that Giraud should be removed entirely from consideration as against the pending claims.

With respect to the use of the word "contiguous" in the claims, Applicants submit that the term is properly descriptive of the wound layer as illustrated in Figures 4 and 5 as filed. Furthermore, in describing the Giraud patent, the Examiner refers to, "filamentary winding that includes contiguous filaments" (Page 4 Paragraph 3 of Paper No. 3). The Giraud patent never uses the term, "contiguous," but Applicants submit that both they and the Examiner are entitled to use the term because its definitions are a clear description of the windings in both the claimed invention and the Giraud patent; e.g. "being in actual contact: touching along a boundary or at a point," or "touching or connected throughout in an unbroken sequence" (both definitions being taken from the Merriam-Webster Dictionary (online) at [www.merriam-webster.com](http://www.merriam-webster.com)).

In order to further clarify the issues, Claims 2 and 3 have been cancelled, and new Claim 38 has been included. New Claim 38 recites a protective composite sleeve and vessel assembly for microwave-assisted chemistry. Claim 38 has the same characteristic recitations as in amended Claim 1, but also recites a microwave transparent pressure-resistant reaction cylinder that is surrounded by the sleeve that is recited in Claim 1. This further distinguishes Claim 8 from the art as applied to date, because it now recites two separate parts, the sleeve and the reaction cylinder (vessel) itself. Because the invention disclosed in Giraud is directed to structural members that transmit light, Giraud neither discloses nor suggests any need, problem or any other aspects related to microwave-assisted chemistry.

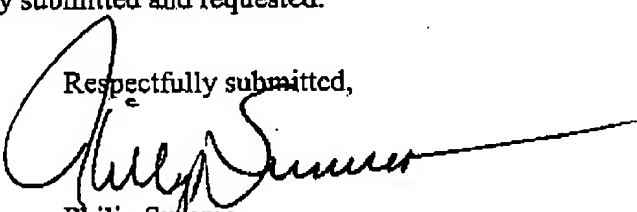
The recitations in new Claim 38 are taken directly from the specification as filed. The term "assembly" appears in Paragraph 0021 as does the description of the sleeve as surrounding the reaction vessel. The term "reaction cylinder" appears in Paragraphs 0021, 0022 and 0024 of the specification as filed.

In re: Hargett, Jr. et al.  
Serial No. 10/064,718  
Filed: August 9, 2002  
Page 7

With respect to the double patenting rejection, Applicants respectfully submit that the applied patent, No. 6,136,276, does not claim the identical invention. Because, however, the present invention is a sibling of several other applications and issued patents (e.g. co-pending application No. 09/668,811 filed September 23, 2000, and issued Patent No. 6,534,140), the use of No. 6,136,276 by the Examiner may have been inadvertent, and the Examiner has reserved the right to revisit this issue.

Nevertheless, as the case currently stands, Applicant submits that the set of claims as now pending, define over all of the rejections as applied to date. Thus, allowance of these claims and the application is respectfully submitted and requested.

Respectfully submitted,

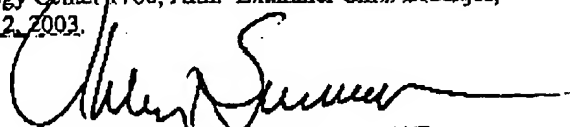
  
Philip Summa  
Reg. No. 31,573

021176  
Summa & Allan, P.A.  
11610 N. Community House Rd., Suite 200  
Ballantyne Corporate Park  
Charlotte, North Carolina 28277-2162  
Telephone: 704-945-6700  
Facsimile: 704-945-6735  
SAFIRM DOCS\1700\80b\Response0503.DOC

RECEIVED  
MAY 05 2003

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, c/o Technology Center 1700, Attn: Examiner Chris Brucnjcs, at facsimile number 703-872-9310 on May 2, 2003.

  
Philip Summa